

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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MR. PICKLE'S FRANCHISE  
SYSTEMS, LLC,

Plaintiff,

v.

MARK T. GALISATUS d/b/a  
DUGOUT DELI,

Defendant.

No. 2:21-cv-01003 WBS DB

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for August 1, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to  
4 pleadings will be permitted except with leave of court, good  
5 cause having been shown under Federal Rule of Civil Procedure  
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604  
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon 28 U.S.C. § 1332,  
10 because the parties are of diverse citizenship and the amount in  
11 controversy exceeds \$75,000. Venue is undisputed and hereby  
12 found to be proper.

13 IV. DISCOVERY

14 The parties served the initial disclosures required by  
15 Federal Rule of Civil Procedure 26(a)(1) by February 8, 2022.

16 The parties shall disclose experts and produce reports  
17 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no  
18 later than March 27, 2023. With regard to expert testimony  
19 intended solely for rebuttal, those experts shall be disclosed  
20 and reports produced in accordance with Federal Rule of Civil  
21 Procedure 26(a)(2) on or before May 1, 2023.

22 All discovery, including depositions for preservation  
23 of testimony, is left open, save and except that it shall be so  
24 conducted as to be completed by June 5, 2023. The word  
25 "completed" means that all discovery shall have been conducted so  
26 that all depositions have been taken and any disputes relevant to  
27 discovery shall have been resolved by appropriate order if  
28 necessary and, where discovery has been ordered, the order has

1 been obeyed. All motions to compel discovery must be noticed on  
2 the magistrate judge's calendar in accordance with the local  
3 rules of this court and so that such motions may be heard (and  
4 any resulting orders obeyed) not later than June 5, 2023.

5 V. MOTION HEARING SCHEDULE

6 All motions, except motions for continuances, temporary  
7 restraining orders, or other emergency applications, shall be  
8 filed on or before August 7, 2023. All motions shall be noticed  
9 for the next available hearing date. Counsel are cautioned to  
10 refer to the local rules regarding the requirements for noticing  
11 and opposing such motions on the court's regularly scheduled law  
12 and motion calendar.

13 VI. FINAL PRETRIAL CONFERENCE

14 The Final Pretrial Conference is set for October 23,  
15 2023, at 1:30 p.m. in Courtroom No. 5. The conference shall be  
16 attended by at least one of the attorneys who will conduct the  
17 trial for each of the parties and by any unrepresented parties.

18 Counsel for all parties are to be fully prepared for  
19 trial at the time of the Pretrial Conference, with no matters  
20 remaining to be accomplished except production of witnesses for  
21 oral testimony. Counsel shall file separate pretrial statements,  
22 and are referred to Local Rules 281 and 282 relating to the  
23 contents of and time for filing those statements. In addition to  
24 those subjects listed in Local Rule 281(b), the parties are to  
25 provide the court with: (1) a plain, concise statement which  
26 identifies every non-discovery motion which has been made to the  
27 court, and its resolution; (2) a list of the remaining claims as  
28 against each defendant; and (3) the estimated number of trial

1 days.

2 In providing the plain, concise statements of  
3 undisputed facts and disputed factual issues contemplated by  
4 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims  
5 that remain at issue, and any remaining affirmatively pled  
6 defenses thereto. If the case is to be tried to a jury, the  
7 parties shall also prepare a succinct statement of the case,  
8 which is appropriate for the court to read to the jury.

9 VII. TRIAL SETTING

10 The jury trial is set for December 12, 2023, at 9:00  
11 a.m. The parties estimate that the trial will last five to six  
12 days.

13 VIII. SETTLEMENT CONFERENCE

14 A Settlement Conference with a magistrate judge will be  
15 set at the time of the Pretrial Conference. Counsel are  
16 instructed to have a principal with full settlement authority  
17 present at the Settlement Conference or to be fully authorized to  
18 settle the matter on any terms. At least seven calendar days  
19 before the Settlement Conference counsel for each party shall  
20 submit a confidential Settlement Conference Statement for review  
21 by the settlement judge. The Settlement Conference Statements  
22 shall not be filed and will not otherwise be disclosed to the  
23 trial judge.

24 IX. MODIFICATIONS TO SCHEDULING ORDER

25 Any requests to modify the dates or terms of this  
26 Scheduling Order, except requests to change the date of the  
27 trial, may be heard and decided by the assigned Magistrate Judge.  
28 All requests to change the trial date shall be heard and decided

only by the undersigned judge.

IT IS SO ORDERED.

Dated: July 22, 2022



**WILLIAM B. SHUBB**

**UNITED STATES DISTRICT JUDGE**